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EXAMINER
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MA, JOHNNY

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<p>Application No.</p> <p>09/497,071</p>	<p>Applicant(s)</p> <p>HOFFBERG-BORGHESANI ET AL.</p>	
	<p>Examiner</p> <p>Johnny Ma</p>	<p>Art Unit</p> <p>2614</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 20 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 155-173 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 155-173 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The Final Rejection, mailed 8/17/2004 is vacated. Please note that this is a New Final Office Action, in lieu of applicant's arguments in After Final (filed 10/18/2004). Consequently this Office Action is being made Final as necessitated by Amendment, filed 07/09/2004.

#### ***Priority***

1. Applicant's priority claim to December 23, 1991, USSN 07/812,805, US 5,903,454 ("US '454") is acknowledged. However, the 07/812,805 application upon which priority is claimed fails to provide adequate support under 35 U.S.C. 112 for claims 156, 160, 167, and 168-173 of this application. The claims have been rejected accordingly.

Regarding claim 155, the examiner notes that the claim recites "storing in a memory data describing available media and storing data representing characteristics of media previously selected by a user." However, the 07/812,805 application does not support storage of available media and characteristics of media previously selected by a user in a single memory. Rather, the 07/812,805 application discloses a database of programming choices (US '454, 66:1-8) and user history database (US '454, 66:32-34).

Regarding claim 156, the claimed "wherein said media comprises television programs" is supported by television programming (US '454, 67:46-57). The claimed "and said data describing available media comprises a channel guide list" is supported by "[t]he interface would then search its databases regarding the user and broadcast listings to present a most likely choice, as well as all available alternatives" (US '454, 67:64-67). However, the examiner is unable to find support for the claimed "and television program-descriptive text accompanies said channel guide list; includes the further step of: performing a search of said television program-descriptive

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text for a particular text string which relates to at least one of title, star, or context of said television program.”

Regarding claim 160, the claimed “the examiner is unable to find support for the claimed “wherein said specific data representing said characteristics of television programs previously watched by said user includes at least one of theme information” appears to be supported by “it would interpret the recording history to be news” (US ‘454, 67:51-52). The US ‘454 reference also discloses “if the user has only used the VCR to record, e.g., the NBC 11 o’clock news, i.e., record all days from 11:00 p.m. to 11:30 p.m. on NBC, in the past, the most likely current predicted choice would be the NBC 11 o’clock news” (US ‘454, 67:46-49). However, the reference does not specifically disclose predicting the choice based on topic, title, or date; it is unclear as to how such a prediction is performed. The examiner also notes that the reference discloses “[h]aving demonstrated a preference for ‘Married with Children’, the interface would then characterize the program. This would include, for example, a characterization of the soundtrack, the background, foreground, actors and actresses present, credits, etc.” (US ‘454, 68:24-28). However, the examiner is unable to find support for the claimed “wherein said specific data representing said characteristics of television programs previously watched by said user includes at least one of topic, title, date.”

Regarding claim 167, the examiner is unable to find support for the claimed “wherein said processor controls delivery of media in dependence on a financial transaction.”

Similarly, regarding claims 168-173, the examiner is unable to find support for the claimed “an accounting database for recording commercial transaction data relating to selections made by the user.”

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 155 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. the examiner notes that the claim recites “storing in a memory data describing available media and storing data representing characteristics of media previously selected by a user.” However, the 07/812,805 application does not support storage of available media and characteristics of media previously selected by a user in a single memory. Rather, the 07/812,805 application discloses a database of programming choices (US ‘454, 66:1-8) and user history database (US ‘454, 66:32-34). Applicant’s specification discloses “[t]he interface then searches its databases regarding the user and broadcast listings to present a most likely choice given that parameter, as well as all available alternatives” (Specification, 172:5-7). However, the examiner is unable to identify support for “storing in a memory data...” The Specification only discloses multiple databases for storing program listings and viewing history, read broadly, this could be interpreted to mean storage of multiple databases on multiple memories. Thus for the purpose of examination, the examiner will interpret “storing in a memory data...” to read “storing in memory data.”

***Claim Rejections - 35 USC § 102***

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 155 and 157-158 rejected under 35 U.S.C. 102(e) as being anticipated by Hey (US 4,996,642).

As to claim 155, note the Hey reference that discloses a system and method for recommending items wherein the items including movies, record albums, computer games, television programs, or other consumer items (Hey 7:7-10). The claimed “storing in a memory data describing available media” is met by inventory management system that maintains availability of items (Hey 7:29-31) wherein “[w]hile the inventory management system 126 is shown as a relatively distinct system, the recommendation system according to the invention and the inventory management system can be integrated into a single system” (Hey 7:47-51). Note the storing of media availability in memory is inherent to the Hey inventory management system maintaining of item availability for comparison by the system in order to recommend items. The claimed “and storing data representing characteristics of media previously selected by a user” is met by “[s]ystem 10 according to this invention, FIG. 1, includes keyboard 12 through which users of system 10 enter scalar ratings for items they have sampled such as movies. The ratings are stored in memory 14 and are selectively retrieved by pairing module 16...” (Hey 3:66-68). The claimed “performing a search of said available media for a correspondence to specific data representing said characteristics of media previously selected by said user” is met

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by the pairing process wherein “the ratings are provided to memory 14 which, when requested by a user, supplies to display 22 a list of usually the most highly recommended items for that user” (Hey 4:3-28) and “[i]n these circumstances it is desirable to check with the inventory management system as to the availability of a particular movie which is to be recommended... If the item is available, that item is added to the list to be displayed” (Hey 7:29-38).

The claimed “notifying said user of available media having characteristics similar to characteristics of a previously selected media” is met by the Hey recommendation list (Hey 4:18-22,58-62).

As to claim 157, the claimed “wherein said step of notifying said user includes the step of producing a display including a list of the available media meeting a predetermined correspondence criteria on a display screen for viewing by the user” is met by that discussed in the rejection of claim 155 wherein “when requested by a user, supplies to display 22 a list of usually the most highly recommended items for that user” (Hey 4:18-22) wherein the list is compared to inventory management system to check for availability (Hey 7:29-32).

As to claim 158, the claimed “further comprising a step of altering the produced display by a user using a data entry device” is met by the changing of the display according to user request wherein “[a]fter adjustment, the ratings are provided to memory 14 which, when requested by a user, supplies to display 22 a list of usually the most highly recommended items for that user” (Hey 4:18-22).

6. Claims 156 and 160 are rejected under 35 U.S.C. 102(b) as being anticipated by Strubbe (US 5,223,924).

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As to claim 156, note the Strubbe reference that discloses a system and method for automatically correlating user preferences with a T.V. program information database. The claimed “storing in a memory data describing available media” is met by “[i]n the embodiment herein, the TV program information data records downloaded as PID as described, for example, in the references incorporated herein” (Strubbe 4:17-21). The claimed “and storing data representing characteristics of media previously selected by a user” is met by “[m]emory section 54 is used to store as a second database, records selected from the first database which are indicated as ‘liked’ by the user...or ‘disliked’ by the user” (Strubbe 4:21-56) wherein “liked” can be indicated at the “option of the viewer, merely watching and/or recording a television program for longer than a given amount of time” (Strubbe 5:23-32) and the second database contains a text summary of each record stored (Strubbe 5:48-51). The claimed “performing a search of said available media for a correspondence to specific data representing said characteristics of programs media previously selected by said user” is met by “[e]ach stem in each ‘liked’ record is given a positive weight. Each stem in each ‘disliked’ show, which is not simultaneously a stem in a ‘liked’ show is given a negative weight. With these stems and weights a ‘simple query’ is performed over the records provided from the first database, i.e. the downloaded TV program database” (Strubbe 5:54-6:4). The claimed “notifying said user of available media having characteristics similar to characteristics of a previously selected media” is met by “[t]his third database, could be accessed by the viewer via remote control 42, in order to allow him to select for viewing, only preferred programs which correspond either to forthcoming programs stored in the second database and indicated as ‘liked’, or programs automatically selected from the first database in the interest matcher mode described in FIG. 5” (Strubbe 5:36-42). The claimed



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“wherein said media comprises television programs” is met by “a television transmission system which provides, along with television programming, updatable TV program information which can, for example, include text summaries of the television programs scheduled for the coming week” (Strubbe 1:57-61). The claimed “and said data describing available media comprises a channel guide list” is met by “[b]y accessing this database, the user can display ‘Future Programs’ as well as ‘Favorite Broadcast Programs’ using a system of advanced menus and displays and an expanded channel ring” (Strubbe 2:42-49). The claimed “and television program-descriptive text accompanies said channel guide list” is met by program “information can comprise title, channel, category, day, time, length, repeat rate etc., as well as summaries, ratings, recommendations and cost for each of the programs featured” (Strubbe 2:9-12). The claimed “included the further step of: performing a search of said television program descriptive text for a particular text string which relates to at least one of title, star, or context of said television program” is met by “[i]n a preferred embodiment, the processor utilizes ‘free text’ search techniques to correlate the TV program information with the viewer’s preferences” (Strubbe 1:67-2:2) wherein program “information can comprise title, channel, category, day, time, length, repeat rate etc., as well as summaries [context], ratings, recommendations and cost for each of the programs featured” (Strubbe 2:9-12).

As to claim 160, note the Strubbe reference that discloses a system and method for automatically correlating user preferences with a T.V. program information database. The claimed “storing in a memory data describing available media” is met by “[i]n the embodiment herein, the TV program information data records downloaded as PID as described, for example, in the references incorporated herein” (Strubbe 4:17-21). The claimed “and storing data

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representing characteristics of media previously selected by a user” is met by “[m]emory section 54 is used to store as a second database, records selected from the first database which are indicated as ‘liked’ by the user...or ‘disliked’ by the user” (Strubbe 4:21-56) wherein “liked” can be indicated at the “option of the viewer, merely watching and/or recording a television program for longer than a given amount of time” (Strubbe 5:23-32) and the second database contains a text summary of each record stored (Strubbe 5:48-51). The claimed “performing a search of said available media for a correspondence to specific data representing said characteristics of programs media previously selected by said user” is met by “[e]ach stem in each ‘liked’ record is given a positive weight. Each stem in each ‘disliked’ show, which is not simultaneously a stem in a ‘liked’ show is given a negative weight. With these stems and weights a ‘simple query’ is performed over the records provided from the first database, i.e. the downloaded TV program database” (Strubbe 5:54-6:4). The claimed “notifying said user of available media having characteristics similar to characteristics of a previously selected media” is met by “[t]his third database, could be accessed by the viewer via remote control 42, in order to allow him to select for viewing, only preferred programs which correspond either to forthcoming programs stored in the second database and indicated as ‘liked’, or programs automatically selected from the first database in the interest matcher mode described in FIG. 5” (Strubbe 5:36-42). The claimed “wherein said specific data representing said characteristics of television programs previously watched by said user includes at least one of topic, title, date and theme information” is met by the storing of record information in a second database (Strubbe 5:7-11) wherein program “information can comprise title, channel, category, day, time, length, repeat rate etc., as well as

summaries, ratings, recommendations and cost for each of the programs featured” (Strubbe 2:9-12).

*Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 159 and 161-166 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hey (US 4,996,642) in further view of Hallenbeck (US 5,293,357).

As to claim 159, the claimed “further comprising the step of selecting one of the available media items displayed on the list of available media.” Note the Hey reference discloses “[p]referably, the predetermined criteria include selection of the most highly recommended item, or a number of the most highly recommended items, for the selected user... Also, a rating may be provided for a specified item selected by a user. For example, a customer may wish to learn what type of recommendation has been made for him for certain movies not yet seen by him” (Hey 3:19-38, also see Figure 2 wherein a list of recommendations is displayed). Also note the Hey reference that discloses items including movies, record albums, computer games, television programs, or other consumer items (Hey 7:7-10). However, the Hey reference is silent as to selecting one of the available media items displayed on the list of available media. Now note the Hallenbeck reference that discloses a method and apparatus for controlling a television program recording device. The claimed “further comprising the step of selecting one of the available media items displayed on the list of available media” is met by “the invention includes means for

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storing the television program schedule listings and for accepting user designations of selected ones of the television program schedule listings for recording” (Hallenbeck 3:44-48, 5:34-68). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hey recommendation list comprising items such as television programs with the Hallenbeck selection of items on the list for recording for the purpose of providing a user friendly means for programming a VCR to recording desired television programs.

As to claim 161, please see rejection of claim 159.

As to claim 162, note the Hey reference that discloses a system and method for recommending items wherein the items including movies, record albums, computer games, television programs, or other consumer items (Hey 7:7-10).

The claimed “at least one memory for storing a media guide comprising a data representing characteristics of media within a set of available media” is met by ratings stored in memory for plural users (Hey 3:63-4:2) and inventory management system that maintains data regarding availability of movies [items]” (Hey 7:29-32) wherein “[w]hile the inventory management system 126 is shown as a relatively distinct system, the recommendation system according to the invention and the inventory management system can be integrated into a single system” (Hey 7:47-51). Note the storing of media availability in memory is inherent to the Hey inventory management system maintaining of item availability for comparison by the system in order to recommend items. The claimed “and data representing characteristics of media previously presented to the user” is met by “[s]ystem 10 according to this invention, FIG. 1, includes keyboard 12 through which users of system 10 enter scalar ratings for items they have sampled

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[previously presented/viewed] such as movies. The ratings are stored in memory 14 and are selectively retrieved by pairing module 16” (Hey 3:63-68). The claimed “a processor for determining a correspondence between data representing characteristics of media in said media guide with data representing characteristics of media previously presented” is met by “pairing module 16, which, for each person for which a prediction is desired, pairs that person with a number of other persons who have previously entered scalar ratings. A value for each pair representing the difference in ratings for items sampled by both members of each successive pair is provided to weighting module 18... The weighting values are provided to prediction adjustment module 20 which applies the weighting values to items unsampled by the selected person to proportionally alter the difference between a rating previously predicted for the selected person for each unsampled item and the ratings of that item by the predicting persons. The rating predicted for each unsampled item represents the predicted reaction of the selected person to the up-to-now unsampled item. After adjustment, the ratings are provided to memory 14 which, when requested by a user, supplies to display 22 a list of usually the most highly recommended items for that user” (Hey 3:67-4:28). The claimed “and producing a signal dependent on said correspondence” is met by “[a]fter adjustment, the ratings are provided to memory 14 which, when requested by a user, supplies to display 22 a list of usually the most highly recommended items for that user” (Hey 4:18-22). Note the Hey reference discloses items including movies, record albums, computer games, television programs, or other consumer items (Hey 7:7-10). However, the Hey reference is silent as to how such items are delivered to a user. Now note the Hallenbeck reference that discloses a method and apparatus for controlling a television program recording device. The claimed “a controller for controlling delivery of media

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to a user” is met by “[a]s shown in FIG. 1, the VCR controlling system 10 includes a memory 12 containing therein on-line TV schedule listings, a remote control or other input device 13 for allowing user selection of TV programs to be recorded, an interface 14 to an event timer 21 in a recording device such as VCR 20, and other input/output devices 15 as necessary... The operation of VCR controlling system 10 is controlled by a controller such as microprocessor 11, for example a Motorola MC68000” (Hallenbeck 4:50-68). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hey display of a recommendation list with the Hallenbeck controller for controlling delivery of media to a user for the purpose of providing a user friendly method for recording recommended programming that a user selects and a method of delivering such media to a user.

As to claim 163, please see rejection of claim 162 wherein the Hey and Hallenbeck combination teaches signal [recommendation list display] controls a recording of a program wherein a user selects a program from the recommendation list display for recording.

As to claim 164, please see rejection of claim 162, wherein the Hey and Hallenbeck combination teaches a recommendation list that provides a user interface for selecting programs for recording.

As to claim 165, the claimed “wherein a user interaction with said system serves as an input to an adaptive algorithm of said processor for determining said correspondence” is met by “users of system 10 enter scalar ratings for items they have sampled such as movies” (Hey 3:63-66) and the system uses such data to recommend programs to a user (Hey 3:66-4:28) and the algorithm used for the recommendation is adaptive wherein “[i]t is evident that the greater the

number of items that the users have sampled, the more accurate the agreement scalar should be for each of the users with which the selected user is paired” (Hey 6:13-16).

As to claim 166, the claimed “wherein said at least one memory further stores information regarding at least two humans, wherein said signal is dependent on a defined set of humans” is met by “[a] still further object of this invention is to provide such a system and method which re[qu]ire little time or effort on the part of each person in a group to obtain accurate recommendations. Another object of this invention is to provide such a system and method which readily assimilate a new person or item and rapidly accomplishes accurate recommendations for each” (Hey 2:37-44).

9. Claims 167-173 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strubbe (US 5,223,924) in further view of Lett et al. (US 5,592,551).

As to claim 167, note the Strubbe reference that discloses a system and method for automatically correlating user preferences with a T.V. program information database. The claimed “a controller for controlling delivery of media to a user” is met by CPU 50 (Strubbe 4:3-16). The claimed “at least one memory for storing a media guide comprising a data representing characteristics of media within a set of available media” is met by “[i]n the embodiment herein, the TV program information data records downloaded as PID as described, for example, in the references incorporated herein” (Strubbe 4:17-21). The claimed “[and storing] data representing characteristics of media previously presented to the user” is met by “[m]emory section 54 is used to store as a second database, records selected from the first database which are indicated as ‘liked’ by the user...or ‘disliked’ by the user” (Strubbe 4:21-56) wherein “liked” can be indicated at the “option of the viewer, merely watching and/or recording

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a television program for longer than a given amount of time” (Strubbe 5:23-32) and the second database contains a text summary of each record stored (Strubbe 5:48-51). The claimed “a processor for determining a correspondence between data representing characteristics of media in said media guide with data representing characteristics of media previously presented” is met by “CPU 50 is programmed to perform ‘free text’ search operations as detailed in the Stanfill and Kahle reference incorporated here, on data stored in one or more of the memory sections 52, 54 or 56” (Strubbe 4:13-16) wherein “the processor utilizes “free text” search techniques to correlate the TV program information with the viewer’s preferences” (Strubbe 1:67-2:2) and the viewer’s preferences comprise characteristics of media previously presented (Strubbe 4:59-5:32). The claimed “an producing a signal dependent on said correspondence” is met by “[t]his third database, could be accessed by the viewer via remote control 42, in order to allow him to select for viewing, only preferred programs which correspond either to forthcoming programs stored in the second database and indicated as ‘liked’, or programs automatically selected from the first database in the interest matcher mode described in FIG. 5” (Strubbe 5:36-42). The claimed “wherein said processor controls delivery of media in dependence on a financial transaction.” Note the Strubbe reference discloses pay programming (Strubbe 2:12). However the Strubbe reference is silent as to how pay programming is paid for. Now note the Lett et al. reference that discloses a method and apparatus for providing interactive electronic programming guide. The claimed “wherein said processor controls delivery of media in dependence on a financial transaction” is met by providing the user, through a program guide, the option to purchase pay per view programming for viewing (Lett 3:1-8; 12:36-55). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made



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to modify the Strubbe pay programming with the Lett method of purchasing pay per view programming for the purpose of providing a convenient means for the viewer to purchase programming for viewing. As to claim 168, note the Strubbe reference discloses a system and method for automatically correlating user preferences with a T.V. program information database. The claimed “a user interface for receiving a selection of a media item from a user and for delivering a response to the selection” is met by viewer selecting a program for viewing (Strubbe 5:23-32; 5:36-42) wherein it is inherent that the system respond by displaying of the selected program. The claimed “a database for storing media items and characteristics thereof available for selection” is met by “[i]n the embodiment herein, the TV program information data records downloaded as PID as described, for example, in the references incorporated herein” (Strubbe 4:17-21). The claimed “[a database for storing] a history of selections made by the user” is met by “[m]emory section 54 is used to store as a second database, records selected from the first database which are indicated as ‘liked’ by the user...or ‘disliked’ by the user” (Strubbe 4:21-56) wherein “liked” can be indicated at the “option of the viewer, merely watching and/or recording a television program for longer than a given amount of time” (Strubbe 5:23-32) and the second database contains a text summary of each record stored (Strubbe 5:48-51). The claimed “a processor for searching available media items in the database and for presenting a recommendation of at least one media item to the user, based on a correspondence of said selection and media items in said database” is met by “CPU 50 is programmed to perform ‘free text’ search operations as detailed in the Stanfill and Kahle reference incorporated here, on data stored in one or more of the memory sections 52, 54 or 56” (Strubbe 4:13-16) wherein “the processor utilizes “free text” search techniques to correlate the TV program information with the

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viewer's preferences" (Strubbe 1:67-2:2) and the viewer's preferences comprise characteristics of media previously presented (Strubbe 4:59-5:32). Also note the Strubbe reference discloses pay programming (Strubbe 2:12). However, the Strubbe reference is silent as to a method for purchasing the pay programming. Now note the Lett et al. reference that discloses a method and apparatus for providing interactive electronic programming guide. The claimed "an accounting database for recording commercial transaction data relating to selections made by the user" is met by users having the option to purchase pay per view programming directly from the program guide (Lett 3:1-8) wherein "[s]ystem manager 22 accumulates the billing data from phone processor 30 and modem 32 and provides it to billing computer 24 so that customers may be billed for their program services" (Lett 4:67-5:4). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Strubbe pay programming with the Lett method of purchasing pay per view programming for the purpose of providing a convenient means for the viewer to purchase programming for viewing and method for tracking transactions for accurate billing of viewer program purchases.

As to claim 169, the claimed "wherein said media items comprise television programs" is met by "a television transmission system which provides, along with television programming, updatable TV program information which can, for example, include text summaries of the television programs scheduled for the coming week" (Strubbe 1:57-61).

The claimed "and said stored characteristics comprise a channel guide list" is met by "[b]y accessing this database, the user can display 'Future Programs' as well as 'Favorite Broadcast Programs' using a system of advanced menus and displays and an expanded channel

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ring” (Strubbe 2:42-49). The claimed “and television program-descriptive text accompanies said channel guide list” is met by program “information can comprise title, channel, category, day, time, length, repeat rate etc., as well as summaries, ratings, recommendations and cost for each of the programs featured” (Strubbe 2:9-12).

As to claim 170, the claimed “wherein said recommendation presented by said processor produces a display including a list of the available media meeting a predetermined correspondence criteria on a display screen for viewing by the user” is met by “[t]his third database, could be accessed by the viewer via remote control 42, in order to allow him to select for viewing, only preferred programs which correspond either to forthcoming programs stored in the second database and indicated as ‘liked’, or programs automatically selected from the first database in the interest matcher mode described in FIG. 5” (Strubbe 5:36-42).

As to claim 171, the claimed “wherein said characteristics comprise an identification of a program type” is met by program “information can comprise title, channel, category, day, time, length, repeat rate etc., as well as summaries, ratings, recommendations and cost for each of the programs featured” (Strubbe 2:9-12).

As to claim 172, the claimed “wherein said processor controls a recording of a said media item.” Note the Strubbe reference discloses “[t]his third database, could be accessed by the viewer via remote control 42 in order to allow him to select for viewing, only preferred programs which correspond either to forthcoming programs stored in the second database...” (Strubbe 5:36-42. Further note the Strubbe reference discloses monitoring the viewer’s preferences by monitoring the programs viewed or recorded by viewers (Strubbe 5:23-32). However, the Strubbe reference does not specifically disclose “wherein said processor controls a recording of a

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said media item.” Now note the Lett et al. reference that discloses a method and apparatus for providing interactive electronic programming guide. The claimed “wherein said processor controls a recording of a said media item.” is met by the user, through the programming guide, may choose to record a selected program, the terminal will program VCR to record the program, or at least program itself to turn on and tune the proper channel when the program is available (Lett 12:19-28). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Strubbe selection of programming for viewing from a list of available television programs with the Lett et al. selection of programming for recording from a list of available television programs for the purpose of providing the user a convenient means for recording programming that they wish to view at a later time.

As to claim 173, the claimed “wherein said database stores a history of selections made by a plurality of users.” Note the Strubbe reference discloses storing information regarding a person as discussed in the rejection of claim 168. However, the Strubbe reference does not specifically disclose “wherein said database stores a history of selections made by a plurality of users.” Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art that multiple person use the same television system. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made modify the Strubbe history of selections of one person with the well known use of a television system by multiple persons for the purpose of alleviating the need for each person in a household to have their own television system and the capability of providing recommendations in regard to all persons in a household as a whole.

*Conclusion*

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Hashimoto reference (US 4,745,549) discloses a method of and apparatus for optimal scheduling of television programming to maximize customer satisfaction.

The Vogel reference (US 5,253,066) discloses a TV recording and viewing control system.

The Levine reference (US 5,508,815) discloses a schedule display system for video recorder programming.

The Hashimoto reference (US 5,179,439) discloses a personal channel display device in a TV program reservation system.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (571) 272-7351. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jm

  
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